

REMARKS

The specification has been amended to remove references to particular claims and place it in better form.

Applicant has amended the claims to clarify the present invention and to remove the rejections based on 35 U.S.C. §112. Applicant believes that it is clear in the specification that the spacer electrically connects the end portion 721 of the movable contact piece 720 to the one fixed electrode 731. At page 15, lines 1-3, it is clear that the spacer 740 is made of “conductive” metal and thus electrically connects the end portion of the movable contact piece with the one fixed electrode. The claims have been amended to provide that the depression switch has “an electrically conductive” spacer for electrically connecting the end portion of the movable contact piece to one fixed electrode.

Applicant gratefully acknowledges allowability of Claims 3-5 indicated in the Office Action. Claim 3 has been amended to be in independent form (3 + 1) and Claim 4 made dependent solely on Claim 3. Claim 6 has been added which corresponds to original Claim 5 depending solely on amended claims 3 and 4. In addition, Claim 7 is added which is a combination of original Claims 3, 2 and 1, with new Claim 8 dependent thereon. New Claim 9 corresponds to original Claim 5 dependent solely on Claim 7, while new Claim 10 corresponds to original Claim 5 dependent on Claim 2.

Applicant believes that Claims 3-10 should now be in allowable form.

Applicant's amended Claim 1 is to a depression switch that is provided on a substrate, comprising a key top provided in a case fixed on the substrate that is movable in a vertical direction and an elastically deformable movable contact piece abutted against the key top moved downward that has a substantially upside down concave-shaped cross-sectional configuration. One fixed electrode is provided below an end portion of the movable contact piece on the substrate and another fixed electrode is provided at a position capable of contacting the central portion of the elastically deformed movable contact piece on the substrate. An electrically conductive spacer is provided for electrically connecting the end portion of the movable contact piece to the one fixed electrode. Such an arrangement is not taught or suggested in the references cited.

Claims 1 and 2 have been rejected on the basis of anticipation under 35 U.S.C. §102(b) by Watkins et al. (U.S. 4,778,952), and as obvious in view of a combination of Watkins et al. and Keogh et al. (U.S. 4,074,088). Reconsideration and removal of these rejections are respectfully requested in view of the present amendment to the claims and the following remarks.

In the Office Action, it is alleged that Watkins shows a similar structure for a depression switch with a substrate, key top in a case and an elastically movable contact piece which contacts a fixed electrode and another fixed electrode. The Office Action equates the spacer 40, 42 with the present spacer 740 and alleges that it electrically connects the end portion 82 with one fixed electrode 20.

Applicant believes that the Office Action has mischaracterized the Watkins et al. teachings. In Watkins, the spacer 40, 42, as it is understood, is part of the housing 30 and is a platform or rest

that extends diagonally at the lower end of walls 31 and 32, or wall 33, 34 (Col. 3, lines 22-25). As such, the spacer 40, 42 is a non-conductive item and does not electrically connect anything. The Watkins et al. structure does not teach or suggest an “electrically conductive spacer for electrically connecting the end portion of said movable contact piece to said on fixed electrode” as now called for in amended claim 1. Applicant thus believes that claim 1, as amended, should be patentable over Watkins et al.

The Keogh et al. teaching do not cure the deficiencies of Watkins et al. and claim 2 should also be patentable.

In view of the present amendment, Claims 1-10 are believed to be patentable over the prior art and early action towards allowance thereof is respectfully requested.

As to the Examiner's outstanding objection to the Abstract of the Disclosure, as indicated above, the Applicant has deleted the current Abstract, and submit herewith a substitute Abstract of the Disclosure in place therefor. Applicant respectfully requests that the substitute Abstract of the Disclosure submitted herewith be approved by the Examiner.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 10/643,869
Amendment filed December 9, 2004
Reply to OA dated September 13, 2004

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,
HANSON & BROOKS, LLP



William G. Kratz, Jr.
Attorney for Applicant
Reg. No. 22,631

WGK/nrp
Atty. Docket No. **030958**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Enclosures: Substitute Abstract of the Disclosure

H:\HOME\NANCY\03\030958\Amendment